

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,
Plaintiff**

v.

**DAVID OLIVERA-VILLANUEVA,
Defendant.**

Criminal No. 17-013 (FAB)

**UNITED STATES' MOTION IN COMPLIANCE REGARDING DESIGNATION OF
EVIDENCE PURSUANT TO FED.R.CRIM.P. 12(b)(4)**

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and very respectfully states and prays as follows:

In compliance with the Court Order at Docket No. 26, the United States respectfully informs this Honorable Court that discovery pursuant to Fed.R.Crim.P. 16(a) has been provided to Defendant. Furthermore, the United States submits the following Designation of Evidence in accordance with the Court's Order and Fed.R.Crim.P. 12(b)(4) for use at trial:

ITEM NUMBER	DESCRIPTION/FILE NAME	BATES NO.
1.	Oliveras statements.pdf	014-018
2.	Phone information.pdf	019-045
3.	Route sheet.pdf	048-051
4.	Oliveras interview.wmv (video)	

The United States respectfully reserves its right to amend the preceding list and/or to supplement the same for purposes consistent with the Federal Rules of Evidence and/or the Federal Rules of Criminal Procedure.

The United States has provided the defendant with the entire discovery to which he is entitled to pursuant to Rule 16. *See* Fed.R.Crim.P. 16(c). Reciprocal discovery is always informally requested on each discovery letter presented to defense counsel, however, none has been produced by Defendant so

far. In order to avoid unnecessary delays at trial and unfair surprise to the United States, the following requests are hereby made for production by Defendant forthwith, as follows:

- a) Immediate disclosure by defendants of all evidence discoverable under Fed. R. Cr. P. Rule 16, Rule 16 (b) (1) (A), (B) and (C) and Rule 16 (c).
- b) Notice of any defendant's intention, if any, to offer the defense of alibi under Fed. R. Cr. P. Rule 12.1.
- c) Notice of any defendant's intention, if any, to present any additional insanity defense(s) or expert testimony as to mental condition, under Fed. R. Cr. P. Rule 12.2.
- d) Notice of any defendant's intention, if any, to present a defense based upon public authority under Fed. R. Cr. P. Rule 12.3 provisions.

WHEREFORE, the United States respectfully requests that this Honorable Court note the United States' compliance with the Court Order at Docket No. 26, the filing of the Designation of Evidence pursuant to Federal Rule of Criminal Procedure 12(b)(4)(A), and the formal request for reciprocal production of discovery included herein.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of February, 2017.

CERTIFICATE OF SERVICE:

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

s/Seth A. Erbe
SETH A. ERBE
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